

# **ALABAMA BOARD OF NURSING**

## **REGULAR BOARD MEETING**

Fiscal Year 2012-2013

Suite 350, RSA Plaza

770 Washington Ave

Montgomery, Alabama

February 21, 2013

### **I. CALL TO ORDER**

#### **A. Roll Call**

The meeting was called to order at 9:02 a.m. on February 16, 2012. The following Board members were present: Martha G. Lavender, RN, DSN, President; Carol Stewart, CRNP, MSN, Vice-President; Melissa Bullard, LPN, Secretary; Pamela Autrey, PhD., MSN, RN; Miriam Ellerbe, LPN; Maggie Lee Hopkins, LPN; Gregory Howard, LPN; Francine Parker, EdD, MSN, RN; Amy Price, MSN, RN; and Lynda F. LaRue, RN, ADN, CMTE. Genell Lee, MSN, RN, JD, Executive Officer and Leslie Vinson, Executive Secretary/Recorder were present. Staff members attending portions of the meeting were: Mary Ed Davis, MSN, RN, Voluntary Disciplinary Alternative Program; Peggy Benson, MSN, RN, Legal Nurse Consultant; Carolyn Morgan, MSN, RN, Practice/Continuing Education; Dawn Daniel, MSN, RN, Probation Nurse Consultant; Cathy Boden, MSN, RN, Legal Nurse Consultant; LaDonna Patton, MSN, RN, Legal Nurse Consultant; Patrick Samuelson, Assistant General Counsel; and Alice Maples Henley, General Counsel.

#### **B. Declaration of Quorum**

A quorum was declared with ten Board members present. E. Laura Wright, PhD, MNA, CRNA; Catherine Dearman, RN, PhD; and Gene Akers, PhD, were not present.

#### **C. Statement of Compliance with Open Meetings Act**

Prior notice of this meeting was posted on the Secretary of State's web site in accordance with the Alabama Open Meetings Act.

#### **D. Oath of Office**

Dr. Autrey and Mr. Howard stated the Oath of Office.

D. Review of Agenda

1. Additions, Modifications, Reordering

IX.B. APRN Committee Report was added to the agenda.

XII.A. Emerging Issues was added to the agenda.

2. Adoption of Agenda

**On February 21, Ms. Price moved that the Board approve the Agenda, as amended. Dr. Autrey seconded. Motion carried without objection.**

II. ADVANCED PRACTICE

A. Collaborative Practice Applications

Ms. Lee reported that the roster includes thirty-one applications for collaborative practice that meet the criteria for fast track approval without Joint Committee review.

Applications for remote site practice, additional skills and/or special formulary will be presented to the Joint Committee at the March 19, 2013 meeting.

Ms. Lee provided copies of the roster of applications for the Board's review and approval.

**On February 21, Ms. Stewart moved that the Board approve the applicants for collaborative practice as listed in the roster. Ms. LaRue seconded. Motion carried without objection.**

B. American Association of Critical Care Nurses APRN Certification Programs

Ms. Lee reported that in January 2013, the Board reviewed background information on statutory authority for Board recognition of Advanced Practice Nursing certification, the Consensus Model for APRN Regulation, and transition to the combined Adult-Gerontology curricula and certification examinations. The Board granted recognition to new nurse practitioner certifications for Adult-Gerontology in Primary Care and Adult-Gerontology in Acute Care as offered by the following three certifying agencies: 1) American Nurses Credentialing

Center (ANCC); 2) American Academy of Nurse Practitioners Certification Program (AANP); and 3) American Association of Critical-Care Nurses Certification Corporation (AACN CertCorp).

AACN CertCorp provided the Study of Practice Summaries and Test Plans for their new Adult-Gerontology, Pediatric and Neonatal Clinical Nurse Specialist (ACCNS) exams. The new test plans, the result of a 2011 nationwide CNS study of practice, are in alignment with the Consensus Model. Eligible candidates will be educated in their desired population focus (Adult-Gerontology, Pediatric or Neonatal) across the entire wellness through acute care continuum, and the certification exams will test competencies and knowledge of patient care problems in the population focus across the entire wellness through acute care continuum.

Pilot testing of the new Adult-Gerontology ACNP exam took place in October-November 2012 with senior NP students in select graduate programs in their final semester of study or soon after graduation.

Unique difficulties encountered in both conducting the job analysis for the new examinations and in preparing for the pilot testing included: a) there are no incumbents practicing in the new roles as defined by the Consensus Model; b) Adult Acute Care Nurse Practitioners and Adult Acute/Critical Care CNSs have not been educated with the gerontology content that is now a part of the Consensus Model-Based Test Plans; and c) CNSs have not been educated using the wellness through acute care continuum outlined in the Consensus Model for the CNS.

Participating in the pilot test provides significant advantages for students and faculty. Pilot test participants receive a diagnostic profile along with their results, which in the case of non-successful candidates, helps them both organize their remaining educational experiences around their weak areas and serves as a guide in studying for the certification examination following graduation. The diagnostic profiles are also available to faculty, providing some very early feedback on the success of the curriculum changes which have been made in order to comply with the Consensus Model. If allowed by the Board of Nursing in the state of initial licensure, senior students who achieve a "pass" result will be able to apply those certification examination results to their licensure application, after the student has graduated, applied for certification and submitted the official final transcript verifying graduation from the APRN program to AACN CertCorp. No candidate who has participated in the pilot test will be issued any type of document indicating that they have achieved certification

until they have completed a certification application and filed an official final transcript validating completion of the appropriate APRN educational program.

Ms. Lee reported that UAH offers the Adult-Gerontology CNS curriculum with graduation after the Fall Semester. None of the APRN education programs in Alabama offers a designated curriculum for Pediatric CNS or Neonatal CNS. The Board of Nursing has not received inquiries from prospective CNS graduates about recognition of the new examinations from AACN CertCorp.

Ms. Lee provided copies of the AACN CNS Exam Transition for the Board's information and review.

**On February 21, Mr. Howard moved that the Board recognize the certifications for Clinical Nurse Specialist in adult-gerontology and pediatrics offered by the American Association of Critical-Care Nurses Certification Corporation. Ms. Stewart seconded. Motion carried without objection.**

### III. OPEN FORUM

A. Epinephrine Resource School Nurse – A National Association of School Nurses Initiative: Melanie Sharpton, Catherine Davis and Nancy O'Neal

Ms. Sharpton and Ms. Davis reported that in November 2012, the National Association of School Nurses (NASN) issued a call for participants to launch a nation-wide training program titled Epinephrine Resource School Nurses (ERSN). The movement is advocating for schools to stock non-specific epinephrine and train responders for students having a first time anaphylactic reaction in the school setting. The program shows the safety of the drug epinephrine and the only drug to be used for treating anaphylaxis.

Ms. Sharpton and Ms. Davis asked the Board for direction on how to get schools to stock non-specific epinephrine.

A power point presentation on the training and a copy of The Hill's Congress Blog regarding emergency epinephrine in schools was provided for the Board's information and review.

B. Alabama State Nurses Association – New Executive Director: Dr. John Ziegler

Dr. Lavender introduced Dr. John Ziegler, Executive Director of ASNA.

Dr. Ziegler reviewed his background and discussed HB 178 and SB 220 with the Board.

C. Alabama Department of Mental Health Nurse Delegation Program: Dr. Timothy Stone, Vanessa Prater, RN, BSN, and Connie Blair

Ms. Lee reported that the Board addressed the issues with community residential settings regulated by the Alabama Department of Mental Health through the writing of rules specific to nurses working in those settings. The regulations, Rule 610-X-7-.06, were enacted by the Board in 2009. During the 2012 Regular Legislative Session, a bill was introduced exempting community residential settings from complying with the Nurse Practice Act. It turns out, some of the providers did not like the curriculum or how it was offered. The legislator agreed to not pursue his bill if changes could occur.

Dr. Timothy Stone is the new medical director for ADMH and he has experience with group homes and other community residential settings. During 2012 and the beginning of 2013, ADMH worked on the curriculum with a goal of having it available online rather than taught in each residential setting.

Ms. Vanessa Prater conducted a power point presentation on the changes to the curriculum and how the Nurse Delegation Program (NDP) works.

Instructions for obtaining MAC 1, MAC 2 power point presentation, probable benefits, suggested code changes, and a summary of the NDP Training Program revisions were provided for the Board's information and review.

The Board reviewed and discussed the proposed changes to the rules and the NDP curriculum.

**On February 21, Mr. Howard moved that the Board approve the NDP curriculum changes, approve the proposed changes to ABN Administrative Code, Rule 610-X-7-.06, and add definitions where necessary. Ms. Hopkins seconded. Motion carried with one opposition (Ms. Bullard).**

Ms. Price was not present for the discussion or vote.

#### IV. EDUCATION

##### A. South University BSN Program

Ms. Lee reported that South University BSN program received provisional approval to offer a BSN program in January 2010. There were five (5) initial graduates of the program and the last graduate tested in December 2012. Four of five graduates passed the NCLEX-RN® as first-time writers with a percentage of 80% passing. As a result, South University's BSN program meets the requirements of the rules and is due to have full approval granted.

**On February 21, Mr. Howard moved that the Board grant full approval to South University BSN Program. Ms. Hopkins seconded. Motion carried without objection.**

##### B. Virginia College-Mobile ADN Program

Ms. Lee reported that Virginia College-Mobile received provisional approval to offer an ADN program in January 2009. There were eight (8) initial graduates of the program and six passed the NCLEX-RN® as first-time writers with a percentage of 75% passing. A total of 17 graduates have taken the NCLEX-RN® with three failures. The passing rate is 82.36% if one considers the nine graduates who graduated and tested in the same year as the eight first time graduates. Staff recommends counting the 17 graduates who all took NCLEX-RN® in the same year. Taking that into account, the program is due full approval.

**On February 21, Mr. Howard moved that the Board grant full approval to Virginia College-Mobile ADN Program. Ms. Ellerbe seconded. Motion carried without objection.**

##### C. Proposed 2014 NCLEX-PN® Test Plan

Ms. Lee reported that the NCSBN Exam Committee is proposing a change to the practical nursing test plan for 2014. Materials were received in January 2013 and NCSBN gave the ABN additional time to respond since there was not enough time to have the item on the January 2013 agenda. The materials explain the changes from the current test plan to the proposed change test plan.

Ms. Lee provided copies of the letter from NCSBN, practice

analysis, proposed 2014 PN Test Plan, feedback form, rationale for change and timeline for the Board's information and review.

The Board reviewed and discussed the proposed test plan.

## V. POLICY

### A. Final Certification, ABN Administrative Code, Chapter 610-X-11, Post-Baccalaureate Scholarships, Repeal

Ms. Lee reported that the changes in the scholarship statutes in the 2012 Regular Legislative Session require changes to the regulations. Rather than doing strikethroughs and underlines, it is appropriate to repeal the existing chapter and approve a new chapter. The Board approved a repeal at the December 2012 meeting. The proposed repeal was filed with the *Alabama Legislative Reference Service* and published in the December 31, 2012 *Alabama Administrative Monthly*. The proposed changes were sent via list serv to RN and PN programs and chief nursing officers. The proposed changes were also posted on the Board's website. The deadline for comment was February 4, 2013. No comments were received.

Ms. Lee provided copies of Chapter 610-X-11, Post-Baccalaureate Scholarships for the Board's information and review.

**On February 21, Mr. Howard moved that the Board approve, as final certification, repeal of ABN Administrative Code, Chapter 610-X-11, Post-Baccalaureate Scholarships. Ms. Hopkins seconded. Motion carried without objection.**

### B. Final Certification, ABN Administrative Code, Chapter 610-X-11, Graduate Scholarships, New

Ms. Lee reported that the changes in the scholarship statutes in the 2012 Regular Legislative Session require changes to the regulations. Rather than doing strikethroughs and underlines, it is appropriate to repeal the existing chapter and approve a new chapter. The Board approved a new chapter at the December 2012 meeting. The proposed new rule was filed with the *Alabama Legislative Reference Service* and published in the December 31, 2012 *Alabama Administrative Monthly*. The proposed changes were sent via list serv to RN and PN programs and chief nursing officers. The proposed changes were also posted on the Board's website. The deadline for comment was February 4, 2013. No comments were received.

Ms. Lee provided copies of the proposed rules for the Board's information and review.

**On February 21, Mr. Howard moved that the Board approve, as final certification, New ABN Administrative Code, Chapter 610-X-11, Graduate Scholarships. Ms. LaRue seconded. Motion carried without objection.**

C. Final Certification, ABN Administrative Code, Rule 610-X-7-.05, Sexual Assault Nurse Examiners

Ms. Lee reported that the Board approved amendments to the regulations specific to sexual assault nurse examiners at the December 2012 meeting. The amendments were filed with the Alabama Legislative Reference Service and published in the December 31, 2012 *Alabama Administrative Monthly*. In addition, the proposed amendments were provided to the Alabama Chapter of the International Association of Forensic Nurses, Dr. Bernard and Ms. Joliffe at Children's of Alabama, posted on the Board's website, and sent via list serv to chief nursing officers. The deadline for public comment was February 4, 2013. No comments were received.

Ms. Lee provided copies of the proposed amendments for the Board's information and review.

**On February 21, Dr. Parker moved that the Board approve, as final certification, amendments to ABN Administrative Code, Rule 610-X-7-.05, Sexual Assault Nurse Examiners. Mr. Howard seconded. Motion carried without objection.**

Ms. Lee reported that the rules will be filed with the Legislative Reference Service and will go into effect thirty-five days after filing.

VI. BOARD DEVELOPMENT

A. Financial Policies Review

Ms. Broomfield reviewed Board compensation, sections of the pay stub, in-state travel forms and requirements, out-of-state travel procedures, and reasons for delay of travel reimbursements and answered questions from the Board.

Mr. Howard and Dr. Autrey were not present from 11:30 to 12:00.



B. The Ultimate Board Member Book Discussion

Dr. Lavender asked that each Board member discuss two or three points from *The Ultimate Board Member*.

Each Board member discussed points of the book that they thought were beneficial.

Ms. Price was not present for the discussion.

VII. EXECUTIVE OFFICER

A. Legislation Update

Ms. Lee reported that she has reviewed the bills that have an impact on the Board. The one related to mandatory reporting of child abuse requires annual training for those who care for children. Because we do not know who, in fact, works with children, it would be hard for us to enforce that section of the law. We also do not allow nurses to use the same class during a two year continuing education earning period and yet, if there is nothing new to the reporting law, there may be a problem with nurses working with children to obtain their CE with the same class in the two year reporting period.

The Office of Fleet Management is a repeat bill and it is unnecessary. The Alabama Association of Regulatory Boards (AARB) has always been opposed as it duplicates services and requires the Boards to pay someone to use a car that is already purchased. The AARB has an amendment that would not affect Boards that own cars. The Red Tape Act amends the Alabama Administrative Procedures Act to require an evaluation of a financial impact of rules on businesses. We already have to indicate if there is a financial impact of rules and if so, an economic impact statement has to be included with the rules. The proposed legislation also requires that agencies review their regulations every five years and the Board already does that every three years.

Ms. Lee reported that the Sunset bill is on track to continue the ABN for four years.

Ms. Lee and Mr. Ingles met with Senator Reed in January and they cannot find anyone to sponsor ABN's nurse practitioner bill. The nurse practitioner bill submitted by the nurse practitioner

association does not include changes to the Nurse Practice Act which will have to be changed should the bill pass.

Ms. Lee reported that she will let the Board know when the Public Hearing for the nurse practitioner bill is scheduled. Ms. Lee encouraged Board members to attend and speak at the hearing. Certified Nurse Midwives are requesting that they be removed from the bill.

Ms. Lee provided copies of SB 57, HB 101, HB 58, HB 36, and HB 3 for the Board's information and review.

B. Strategic Planning Update

Ms. Lee reported that the Board's current strategic plan ends September 30, 2013. The Board started discussing issues in December 2012. The Executive Officer met with Mr. Rex Snider and Mr. Dan Tennimon who are institutional effectiveness employees of Troy University Montgomery. In addition to their experiences with the development of strategic plans at Troy, both are also ex-military. They reviewed the Board's strategic plan, the last SWOT (strengths, weaknesses, opportunities, threats) analysis, the last retreat agenda, and the issues identified by the Board in December. I provided a list of Board meetings and they indicated that based on their schedule, they would like to have the full day at the April 2013 meeting. We would still need to have the fast track collaborative practice applications but any other issue could be delayed until a different time.

Mr. Snider and Mr. Tennimon discussed the current length of plans and that whether a three-year plan or five-year plan is to be developed is up to the Board. Apparently the length of the plan is controversial. It would be useful for them to know in advance if the Board wants a three-year or five-year plan.

**On February 21, Dr. Parker moved that the Board approve the April 2013 Board meeting designated as a strategic planning day. Mr. Howard seconded. Motion carried without objection.**

Dr. Lavender requested to see a bio on Mr. Snider and Mr. Tennimon.

C. Immigration Update

Ms. Lee reported that the amendments to the Immigration Law in the 2012 Regular Legislative Session eliminated the need for proof of U.S. citizenship with each transaction with ABN. The amended

law does require that we obtain proof of U.S. citizenship at least once. The plan is to send our communications in February to all licensed nurses for submission of documents to prove U.S. citizenship. We will also send communications to nursing programs to advise applicants that we require proof of U.S. citizenship. Once we have all the communications sent out, we will require proof of citizenship before any transactions occur. By requiring the communications before renewal, we can make sure licenses are not renewed until we receive the documents to prove U.S. citizenship.

We finally received a Memorandum of Agreement with the Systematic Alien Verification of Entitlements (SAVE) federal program for those who are not U.S. citizens. As you may recall, an application was filed in October 2011 and the approval was sent in January 2013. The information will be updated for students when the soon to be graduates video is re-shot the end of March 2013. We received approval to hire an ASA III to handle the immigration issues. There are several individuals in-house who are interested in the position.

Ms. Lee provided copies of the law specific to immigration proof of US citizenship, and proposed communication for the Board's information and review.

The Board reviewed and discussed the proposed communication.

Dr. Lavender requested that the following statement be added: You are required to provide documentation to prove U.S. Citizenship in order to conduct business with the state.

**On February 21, Ms. Price moved that the Board approve the language for communications with licensees and applicants to prove US citizenship, as amended. Mr. Howard seconded. Motion carried without objection.**

D. Deputy Director Position

Ms. Lee reported that in May 2012, the Board approved the addition of a Deputy Director position to fill in when the Executive Officer is not available. A completed Form 40 was submitted to the Finance Director (along with a letter requesting the position) outlining the duties of the proposed position. The Finance Director's office staff asked more questions and answers were provided. A subsequent telephone conversation in February 2013 between Danielle Golston, Assistant to the Finance Director for

Policy and Research, was more in-depth. At that point, the discussion related to a merit versus unclassified position.

An email was received the week of February 11, 2013 indicating that the Finance Director approved the Deputy Director position but only if it was unclassified and non-merit. I returned an email requesting a legal review because of the statements in the Nurse Practice Act and the training manual for the Examiners of Public Accounts. Ms. Golston responded that the legal opinion of the Finance Department lawyer was that we could proceed. The State Personnel lawyer said that because of Section 36-26-10 of **Code of Alabama**, we could use the unclassified position.

The employee in the unclassified service receives the same benefits as merit employees. The only difference is in the hiring and termination areas. Hiring is by the Executive Officer and the person in the position serves at the pleasure of the Executive Officer. What that means is that if it turns out the Board changes its direction, the position could be eliminated without notice. The unclassified service also means that the salary is at the discretion of the Executive Officer. However, the salary has to be approved by the Finance Director and State Personnel. The State Personnel Board also has to approve the position.

After discussing with State Personnel, placing the position in a pay range is appropriate. If the position is not in a pay range, then the Executive Officer has to go to the State Personnel Board each year when there are funds available for raises (and there is not a freeze as there has been for the past five years). Within a pay range, the decision can be made by the Executive Officer. The pay range suggested by State Personnel was pay grade 83. The range for pay grade 83 is \$64,077.60 - \$97,766.40. Pay grade 84 range is \$69,098.40 - \$105,403.20. I believe since State Personnel suggested pay code 83 that if we ask for a higher scale, we are not likely to obtain approval. Since we have had applicants for other nursing positions turn us down over the issue of the pay, we could make an argument that pay grade 84 would give us more salary flexibility. However, we are not obligated to place the position in a pay scale. The EO position was in a pay scale initially but the Board promptly changed that in calendar year 2000.

The Board discussed the Deputy Director position.

**On February 21, Mr. Howard moved that the Board approve the Deputy Director Position in an unclassified position at a**

**pay grade of 84. Ms. Hopkins seconded. Motion carried without objection.**

E. CAC Request and Response

Ms. Lee reported that the Citizen Advocacy Center (CAC) sent a letter inquiring whether ABN might be interested in having the CAC review the discipline program.

Ms. Lee provided a draft letter in response to the request from CAC for the Board's information and approval.

The Board reviewed and discussed the request from CAC and the proposed response.

**On February 21, Dr. Parker moved that the Board approve the response to CAC. Ms. LaRue seconded. Motion carried without objection.**

VIII. PETITION FOR DECLARATORY RULING

A. Scholarship Recipient: Amy Claerbout

Ms. Lee reported that Ms. Claerbout was awarded the Nursing Instructor scholarship in FY 2011. She received a \$2,500 disbursement in January 2011 and \$2,321.70 in July 2011 for a total of \$4,821.70 since there was proration that year. She was expected to graduate in May 2011 and was sent a letter in June 2011 asking her to send us a transcript. There was no reply and no transcript was received so she was sent another letter in January 2012 at which time she sent a transcript from UNA showing she had graduated in May 2011. In May 2012 she was sent a letter with an employer verification form asking her to have completed and return to us. She called and said she was in the process of moving to Mobile and was looking for a job there. She was told that another letter would be sent in January 2013 and she should at least have begun her year of full time employment at that point or she would have to repay the scholarship because she had not met the requirements. The letter was sent the first of January 2013 and we received her request for forgiveness of the debt on January 17, 2013.

The materials provided by Ms. Claerbout do not address what occurred between the time she graduated and January 2013. At the time Ms. Claerbout received the scholarship, there was a cancellation clause that the debt to the State Treasury could be

cancelled due to death or disability. Ms. Claerbout is asking for her debt to be forgiven based on her pregnancy which is usually a short-term disability and not for the length of her life.

Ms. Lee provided copies of the Petition for Declaratory Ruling and the Promissory Note signed by Ms. Claerbout for the Board's information and review.

The Board reviewed and discussed the information provided.

**On February 21, Dr. Parker moved that the Board deny the petition to forgive Ms. Claerbout's debt. Ms. Price seconded. Motion carried without objection.**

#### IX. REPORT OF MEETINGS ATTENDED

A. 2013 NCSBN Annual Institute for Regulatory Excellence Conference, January 15-17, 2013 – New Orleans, LA

Mr. Howard reported on his attendance at the NCSBN Annual Institute for Regulatory Excellence Conference and provided a written report.

Ms. Price was not present from 11:19 to 11:20 a.m.

B. APRN Committee Report

Dr. Lavender reported on the APRN Committee.

#### X. BOARD TRAVEL

A. Spring 2013 Conference for Nurse Educators: Academic Progression for Alabama A Recipe for Success, March 8, 2013 – Montgomery, AL

Ms. Bullard and Ms. Hopkins were approved to attend.

Dr. Autrey and Mr. Howard were not present for the discussion.

B. AANP Region 11 Invitational Leadership Meeting, March 1, 2013 – Orlando, FL

No Board members requested to attend.

Dr. Autrey and Mr. Howard were not present for the discussion.

XI. NEXT MEETING DATE: March 21-22, 2013, 770 Washington Ave, RSA Plaza Suite 350

XII. OTHER

A. Emerging Issues

Mr. Howard reported that in view of Alabama's stand on the Affordable Healthcare Act, he would like for the Board to discuss CRNP practice, magnet status and LPNs, unlicensed assistive personnel, and the BSN as entry level to practice at a future Board meeting. Dr. Lavender reported that a discussion at the March Board meeting may be helpful for the April Strategic Planning session. Ms. Lee reported that the University of Alabama has an 80/20 Group that is looking at BSN as the entry level to practice. The group could be invited to speak to the Board.

Dr. Lavender asked the Board to research the number of magnet facilities in the state.

Ms. Price was not present for the discussion.

- Dr. Lavender welcomed the students from Southern Union State Community College.
- The Board viewed a video on the Power of Teamwork. Ms. Price was not present for the video.
- Dr. Lavender requested that each Board member read chapters 4, 6, 9 and 10 of *The Board Chair Handbook* and be prepared to discuss at the March Board meeting.

Ms. Price was not present for the discussion.

- **Ms. Stewart moved that the Board enter into executive session to discuss with the Board's attorney the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated. Mr. Howard seconded. Motion carried without objection.**
- Ms. Henley declared that: In accordance with the Open Meetings Act, I am an attorney licensed to practice law in the state of Alabama and that the planned discussion is to discuss the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated.

Dr. Lavender reported that the Board would reconvene in open session at approximately 2:30 p.m.

The Board reconvened in open session at 2:43 p.m.

Ms. Price was not present for the discussion or vote.

- **Dr. Autrey moved that the Board authorize Ms. Lee to obtain outside counsel with spending authority up to one million dollars. Mr. Howard seconded. Motion carried without objection.**

Ms. Price was not present for the discussion or vote.

### XIII. BOARD MEETING DEBRIEFING

### XIV. ADJOURNMENT

The meeting adjourned at 2:46 p.m. on February 21, 2013.

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Martha Lavender, President

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Melissa Bullard, Secretary

Submitted by: \_\_\_\_\_  
Leslie Vinson, Recorder  
2/21/2013